

proposed drawing change constitute “new matter” not part of applicants’ original invention.

Applicants concede that the words “interfacing” and “interface” are not used in the original application. However, it is commonly accepted that the term “interface” in the electronics art means a device or arrangement for interconnecting electronic components. Certainly the original disclosure describes and illustrates applicants’ analog-to-digital converters as being connected to (i.e., “interfaced” with) the shift register. Consequently, to merely add the words “interfacing” and “interface” to the application to describe what is disclosed in the original application does not constitute “new matter”.

The argument just presented is consistent with the Manual Of Patent Examining Procedure, §2163.07 which provides that amendments to an application supported in the original description are not “new matter”. The Manual specifically states (§2163.07I): “[t]he mere inclusion of dictionary or art recognized definitions known at the time of filing an application would not be considered new matter.”

Furthermore, in §2163.07(a) it is stated:

“By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage even though it says nothing explicit concerning it. The application may later be amended to recite the function, theory or advantage without introducing new matter.”

The Examiner in the October 24, 2003 Office action recognized that:

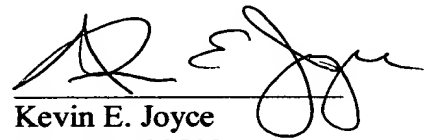
“A multiplexing or switching device is normally required between the outputs of the ADCs (1-6) and the common input to shift register (7).”

Thus, at the very least, the original application inherently discloses that the outputs of the plurality of analog-to-digital converters are interfaced with the shift register.

The introduction of the terms “interfacing” and “interface” to the claims makes no change to any substantive aspect of the original disclosure. Instead, the claims and drawing merely have been clarified by the January 7, 2004 Amendment.

In view of the foregoing, it is requested that the Examiner: withdraw the “new matter” determination; consider the January 7 Amendment on its merits; and allow the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin E. Joyce', is written over a horizontal line.

Kevin E. Joyce  
Reg. No. 20508  
Tel. No. (301) 651-4946  
Fax No. (301) 261-7746

P.O. Box 1750  
Edgewater, Maryland 21037-7750